

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Justin Newcomb,

Civ. No. 24-876 (JWB/TNL)

Petitioner,

v.

B. Eischen,

Respondent.

**ORDER
ACCEPTING REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE**

United States Magistrate Judge Tony N. Leung issued a Report and Recommendation (“R&R”) on April 4, 2024. (Doc. No. 4.) No objections have been filed to that R&R in the time permitted. Absent timely objections, the R&R is reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The April 4, 2024 Report and Recommendation (Doc. No. 4) is **ACCEPTED**; and
2. This case is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: April 29, 2024

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge